IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1229 of 1996

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgment? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

SUDHIRBHAI POPATLAL TANK

Appearance:

MR DIPEN A DESAI for the Petitioner.

RULE SERVED for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 25/08/2004

ORAL JUDGEMENT

By filing this revision application under Section 115 of the Code of Civil Procedure, the petitioner-Gujarat State Road Transport Corporation has challenged the roder passed by the Motor Accidents Claims Tribunal, Gondal on 25.4.1996 below Exhibit 5 in MACP

No.545 of 1993.

Respondent No.1 herein, who is the original claimant before the Motor Accident Claims Tribunal, preferred an interim application Exhibit 5 for passing an order under Section 140 of the Motor Vehicles Act. The particulars of the accident are given in the said application. The Tribunal, by the impugned order, allowed the said interim application and it was ordered that the respondent-claimant is entitled to recover Rs.12,000/- as interim compensation, along with interest at the rate of 12% per annum from the date of application till realisation.

On behalf of the S.T. Corporation, it was submitted before the Tribunal that the bus in question was not involved in the accident. The Tribunal, however, found that even though, in the Panchnama, it is not shown that the S.T. bus in question is involved in the accident, the Panchnama is drawn on 23.9.1993 and the accident has happened on 22.9.1993. Under the circumstances, it is found that, naturally, there cannot be any reference of the said S.T. bus in the panchnama.

Considering the nature of the order, in my view, it is not necessary for this Court to interfere with the interlocutory order, under Section 115 of the Code of Civil Procedure. Under the circumstances, the petition is dismissed. Rule is discharged. No costs.

The Tribunal shall now proceed with the pending Claim Petition as the same is of 1993 and dispose of the same expeditiously, preferably within a period of three months from today.

Writ to be sent to the Tribunal forthwith.

25th August, 2004 (P.B. Majmudar, J.)

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(apj)